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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

BAYCHAR

*AB*

Serial No. 08/887,847

Group Art Unit: 1771

Filed: July 3, 1997

Examiner: A. Singh

For: WATERPROOF/BREATHABLE MOISTURE TRANSFER LINER INCLUDING A THREE PART COMPOSITE CAPABLE OF WICKING MOISTURE AWAY FROM AN INDIVIDUAL'S BODY AND CAPABLE OF REGULATING TEMPERATURE (As Amended)

INFORMATION DISCLOSURE STATEMENT (IDS)  
UNDER § 1.97 AND § 1.98

Commissioner for Patents  
Washington, D.C. 20231

Sir:

1. This IDS should be considered:

(a) when filed within three months of the filing date of the present application, or within three months of the filing date of the National Stage as set forth in § 1.491 in an international application, or before the mailing date of a first Office Action on the merits, whichever occurs last;

(b) when filed before the mailing date of either a Final Rejection under § 1.113 or a Notice of Allowance under § 1.311, whichever occurs first and when 1(a) does not apply. For this purpose, there is included herein either a certification in section 4 below (included when indicated by a marked box), or a fee of \$180.00 (a check in the amount of \$180.00 is enclosed, or if not see section 5 below);

(c) when filed prior to the payment of the Issue Fee, when 1(a)-(b) do not apply, and when a certification is included in section 4 below (included when indicated by a marked box); then the Applicant(s) hereby petition(s) and request(s) consideration of this IDS, and provided herewith is

a fee of \$180.00 (a check in the amount of \$180.00 to cover the petition fee, or if not see section 5 below).

2. When 1(a)-(c) do not apply, then it is requested that this IDS be placed in the file.

3. Listing of the information submitted is on the attached Form PTO-1449, which forms a part of this IDS. A copy of each listed document is enclosed.

4. The undersigned hereby states:

(a) that each item of information contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application, as indicated on the copy of the communication submitted herewith, which communication was dated not more than three months prior to the filing of this IDS; or

(b) that no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in § 1.56(c) more than three months prior to the filing of this IDS.

5. If a fee or additional fee is required, the Commissioner is hereby authorized to charge any fee or additional fee that may be required and credit any excess to Deposit Account No. 50-1417.

6. No explanation of relevancy is being provided for the documents because each is in the English language.

7. Pursuant to MPEP §2001.06(c), Applicant previously informed the Patent Office that the patent which issued from a related application, U.S. Patent No. 6,048,810, is involved in litigation in the United States District Court for the District of Maine (Baychar, Inc. et al. v. Frisby Technologies, Inc. et al., Civil Docket No. CV-01-28-B). The information contained in this IDS is from this ongoing litigation.

8. If the PTO determines that part(s) of the required content is inadvertently omitted, then it is requested that

the Applicant(s) be given additional time and specific identification of such omission(s) to enable full compliance.

Respectfully submitted,

  
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